



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 7772-99

8 March 2000

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 March 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 30 August 1977 for three years at age 18. The record reflects that you served for seven months without incident. However, during the 26 month period from March 1978 to May 1980 you received three nonjudicial punishments (NJP) and were convicted by a special court-martial. Your offenses consisted of two instances of possession of marijuana, failure to go to your appointed place of duty, disobedience of a lawful order, and two brief periods of unauthorized absence totalling about three days. On 1 September 1980, you received a general discharge by reason of substandard performance and were assigned an RE-4 reenlistment code.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, limited education, and the fact that it has been more than 19 years since you were discharged. The Board noted your contention that your NJPs and court-martial resulted in unjust rulings. The Board concluded that the foregoing factors and contention were

insufficient to warrant recharacterization of your discharge given your record of three NJPs, two of which were for possession of marijuana, and a special court-martial conviction. The Board believed that given your disciplinary record, you were fortunate that you were not processed for discharge under other than honorable conditions. The Board concluded that the discharge was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director